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THE UNIVERSITY OF ALASKA, SARA
CHILDRESS IN HER INDIVIDUAL AND
SUPERVISORY CAPACITY, CHASE
PARKEY IN HIS INDIVIDUAL AND
SUPERVISORY CAPACITY, SEAN
MCCARTHY, JON TILLINGHAST

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DANIEL MACDONALD,

Plaintiff,

v.

THE UNIVERSITY OF ALASKA, SARA
CHILDRESS IN HER INDIVIDUAL AND
SUPERVISORY CAPACITY, CHASE
PARKEY IN HIS INDIVIDUAL AND
SUPERVISORY CAPACITY, SEAN
MCCARTHY, JON TILLINGHAST, AND
JOHN DOES 1-25,

Defendant.

Case No. 1:20-cv-00001-SLG

**SECOND DECLARATION OF SARA CHILDRESS IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

SECOND DECLARATION OF SARA CHILDRESS IN SUPPORT OF
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MacDonald v. UA, et al.

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I, Sara Childress, declare and state as follows:

1. I am the Director and Title IX Coordinator for the University of Alaska Anchorage. In that role I provide oversight of the Title IX office and investigators, including Chase Parkey (“Parkey”), at the Southeast campus, known as University of Alaska Southeast (“UAS”). Additionally, I am the custodian of the records and as such able to testify to that the facts set forth herein are taken directly from activity contained in the record of the Title IX investigation conducted by UAS since March 2020.¹

2. Since March 2020 the underlying Title IX investigation has proceeded and conducted by Defendant, Jon Tillinghast (“Tillinghast”).

3. Throughout the investigation process, Daniel MacDonald (“MacDonald”), remained a UAS student and graduated in May 2020.

4. On July 7, 2020 Tillinghast issued his findings in a Confidential Investigative Report (“Report”). The Report concluded:

- Re Complainant 1 - “Based on the information obtained during the investigation, a preponderance of the evidence does not support a violation of University rule R01.04.010.B.6.”
- Re Complainant 2 - “Taking into consideration all of the information contained in the evidence and the totality of the circumstances, a preponderance of the evidence does not support a violation of University rule R01.04.010.B.2.c.”

¹ The Declaration of Sara Childress, ECF No. 16, dated May 5, 2020 outlined all events in the investigation through March 2020. Accordingly, this Second Declaration outlines all events since March 2020 to the present.

5. The Report resulted in a Notice of Outcome issued by me on July 8, 2020 to MacDonald. The Notice of Outcome held a different result from the Report, concluding:

- “Based on the information obtained during the investigation, a preponderance of the evidence does not support a violation of University rule R.01.04.010.B.6 with respect to the facts pertinent to Complainant 1.”
- “Taking into consideration all of the information contained in the evidence and the totality of the circumstances, a preponderance of the evidence *does* support a violation of University rule R.01.04.010.B.2.c with respect to Complainant 2.” (emphasis added)

6. After the Notice of Outcome was issued, MacDonald requested review of the file.

7. The entirety of the evidence file was shared with MacDonald and his advocate on August 12, 2020.

8. On September 3, 2020, MacDonald submitted an appeal to the undersigned.

9. Pursuant to University Regulation and Board of Regents’ Policy 01.04.100.C the matter has been assigned to a Title IX Coordinator at one of the other accredited universities within the university system, the University of Alaska Fairbanks. As of the date of this Second Declaration, the appeal is pending.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: September 18, 2020.

s/Sara Childress

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2020 I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in Case No. 1:20-cv-00001-SLG who are registered CM/ECF users will be served by the CM/ECF system.

s/ Michael E. O'Brien

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